IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

JAMES AND KELARA GHAISAR,)
Individually and as Personal Representatives	
and Co-Administrators of the Estate of Bijan C.	
Ghaisar, Deceased,	
) Case No. 1:19-cv-1224 (CMH/IDD)
Plaintiffs,	
V.	
UNITED STATES OF AMERICA,	
Defendant.	

MOTION FOR AN ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADING

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 7(F)(2), Defendant the United States of America, through undersigned counsel, respectfully moves for a limited two-week extension of time, until December 9, 2019, within which to respond to Plaintiffs' complaint. The grounds for this motion are as follows:

- 1. Plaintiffs filed the instant action on September 19, 2019 and served on the U.S. Attorney's Office by hand-delivery on September 24, 2019. *See* Compl. (Dkt. No.1). As such, Defendant's response to Plaintiffs' complaint currently is due Monday, November 25, 2019.
- 2. Before the Department of Interior—the agency that employed the individuals whose alleged actions are at issue in this action—had conducted any investigation into the allegations in the instant action, it turned the matter over to Federal Bureau of Investigation ("FBI") to conduct an investigation into whether any criminal activity had occurred.
- 3. The U.S. Attorney's Office for the Eastern District of Virginia—including undersigned counsel—was recused from the criminal investigation into and prosecutorial decisions regarding the alleged actions in this case, which were made by other components of the

Department of Justice("DOJ"), including the U.S. Attorney's Office for the District of Columbia ("DDC").

- 4. As such, until DOJ determined whether prosecution was warranted, neither undersigned counsel nor agency counsel for the Department of Interior could conduct any investigation into the allegations of Plaintiffs' complaint.
- 5. On the afternoon of November 14, 2019, DOJ and DDC announced that they would decline prosecution regarding the allegations in the instant action, thus only allowing undersigned counsel and agency counsel to investigate Plaintiff's allegations as of late last week.
- 6. Because undersigned counsel has not yet had the opportunity to conduct or review any investigation into the allegations of Plaintiffs' complaint, Defendant respectfully requests a limited two-week extension of time within which to file a responsive pleading. Additionally, undersigned counsel has a large number of other litigative demands due in a number of other matters contemporaneous with the current deadline to file a responsive pleading, which include five depositions this week, as well as a dispositive motion in an additional case due today (Tuesday, November 19, 2019), two dispositive motion briefs in two additional cases due Friday, November 22, 2019, and a dispositive motion in a fourth additional case due Monday, November 25, 2019. These litigative demands have greatly hampered undersigned counsel's ability to investigate Plaintiff's allegations since DOJ declined prosecution on Thursday, November 14, 2019.
- 7. As such, Defendant respectfully requests a two-week extension of time, until December 9, 2019, to file its responsive pleading.

- 8. Undersigned counsel contacted Plaintiffs' counsel to obtain consent for the instant motion. Plaintiffs' counsel has stated that Plaintiffs will not take a formal position on the government's motion.
 - 9. A proposed order is attached for the Court's convenience.

Dated: November 19, 2019 Respectfully submitted,

> G. ZACHARY TERWILLIGER UNITED STATES ATTORNEY

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> DENNIS C. BARGHAAN, JR. Deputy Chief, Civil Division KIMERE J. KIMBALL **Assistant United States Attorneys** Office of the United States Attorney 2100 Jamieson Avenue Alexandria, Virginia 22314

Tel: (703) 299-3891/3763 (703) 299-3983

Fax:

Email: kimere.kimball@usdoj.gov Dennis.barghaan@usdoj.gov

Counsel for Defendant